

Steve W. Berman (*pro hac vice*)
Robert F. Lopez (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Ave., Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
robl@hbsslaw.com

Shana E. Scarlett (SBN 217895)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com

*Interim Lead Class Counsel and
Attorneys for the Cameron Plaintiffs and Proposed Classes*

[Additional counsel listed on the signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DONALD R. CAMERON, *et al.*,

No. 4:19-cv-03074-YGR

Plaintiffs,

**STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING RELATED
DEVELOPER CASES FOR ALL
PURPOSES**

V.

APPLE INC.,

Defendant.

BARRY SERMONS, on behalf of himself
and all others similarly situated,

Plaintiff,

V

APPLE INC., a California corporation.

Defendant

No. 4:19-cv-03796-YGR

1 WHEREAS, in an effort to assure consistent rulings and decisions and to avoid unnecessary
 2 duplication of effort, Plaintiffs Donald R. Cameron, Pure Sweat Basketball, Inc., and Barry Sermons
 3 (collectively, Plaintiffs) and Defendant Apple Inc. (Apple or Defendant) in the actions described
 4 below hereby enter into this Stipulation and [Proposed] Order Consolidating Related Developer
 5 Cases for All Purposes (Stipulation).

6 WHEREAS, on June 4, 2019, Plaintiffs Donald R. Cameron and Pure Sweat Basketball, Inc.
 7 filed a complaint against Apple in the Northern District of California, Case No. 19-cv-03074 (the
 8 Cameron Action) asserting violations of Section 2 of the Sherman Act and California Unfair
 9 Competition Law (Cameron Action, ECF No. 1);

10 WHEREAS, on June 28, 2019, Plaintiff Barry Sermons filed a complaint against Apple in the
 11 Northern District of California, Case No. 19-cv-03796 (the Sermons Action) asserting substantially
 12 similar facts and the same claims as the Cameron Action (Sermons Action, ECF No. 1);

13 WHEREAS, on August 22, 2019, the Court issued an order finding that the Sermons Action
 14 and the Cameron Action were both related to *In re Apple iPhone Antitrust Litigation*, Case No. 11-
 15 cv-06714 (Cameron Action, ECF No. 40);

16 WHEREAS, on September 30, 2019, the Plaintiffs filed their Consolidated Class Action
 17 Complaint for Violations of the Sherman Act and California Unfair Competition Law (Cameron
 18 Action, ECF No. 53);

19 WHEREAS, on October 10, 2019, the Court, *inter alia*, appointed Hagens Berman Sobol
 20 Shapiro LLP as Interim Lead Class Counsel in the iOS developer antitrust matters (Cameron Action,
 21 ECF No. 65);

22 WHEREAS, the parties agree that the Cameron Action and the Sermons Action should be
 23 consolidated for all purposes, including pretrial proceedings and trial;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the parties,
 25 through their respective counsel and subject to approval of the Court to the entry of an Order
 26 providing that:

1 1. The Sermons Action shall be consolidated, for all purposes, including pretrial
 2 proceedings and trial, with and into the Cameron Action (the Consolidated Developer Action).

3 2. Plaintiffs' Consolidated Class Action Complaint for Violations of the Sherman Act
 4 and California Unfair Competition Law filed in the Cameron Action is designated as the operative
 5 complaint (Cameron Action, ECF No. 53).

6 3. If a case that arises out of the subject matter of the Consolidated Developer Action is
 7 hereinafter filed in this Court or transferred to this Court from another court, the Clerk of this Court
 8 shall:

- 9 a. File a copy of this Order in the separate file for such action;
- 10 b. Provide a copy of this Order to the attorneys for the plaintiff(s) in the newly
 filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- 12 c. Make the appropriate entry in the docket for this action.

13 4. Each new case arising out of the subject matter of the Consolidated Developer Action
 14 on behalf of any developer plaintiff that is filed in this Court or transferred to this Court shall be
 15 consolidated with this Consolidated Developer Action and this Order shall apply thereto, unless a
 16 party objecting to this Order, or any provision of this Order shall, within ten (10) days after the date
 17 upon which a copy of this Order is served on counsel for such party, file an application for relief
 18 from this Order or any provision herein and this Court deems it appropriate to grant such application.
 19 Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a
 20 separate complaint, defendant shall not be required to answer, plead, or otherwise move with respect
 21 to that complaint. If a plaintiff in any such case is permitted to use a separate complaint, the
 22 defendant shall have thirty (30) days from the date the Court grants such permission within which to
 23 answer, plead, or otherwise move with respect to that complaint.

24 5. The Clerk of the Court is directed to administratively close the Sermons Action (Case
 25 No. 19-cv-03796). All future filings shall be made in the Cameron Action (Case No. 11-cv-03074).

26 **IT IS SO STIPULATED.**

1 DATED: November 1, 2019

HAGENS BERMAN SOBOL SHAPIRO LLP

2 By /s/ Steve W. Berman
3 STEVE W. BERMAN (*pro hac vice*)

4 Robert F. Lopez (*pro hac vice*)
5 1301 Second Avenue, Suite 2000
Seattle, WA 98101
6 Telephone: (206) 623-7292
Facsimile: (206) 623-0594
7 steve@hbsslaw.com
robl@hbsslaw.com

8 Shana E. Scarlett (SBN 217895)
9 HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
10 Telephone: (510) 725-3000
Facsimile: (510) 725-3001
11 shanas@hbsslaw.com

12
13 *Interim Lead Class Counsel and*
14 *Attorneys for the Cameron Plaintiffs and Proposed*
Classes

15 Joseph M. Vanek (*pro hac vice*)
16 Eamon Kelly (*pro hac vice*)
SPERLING & SLATER, P.C.
17 55 W. Monroe Street, 32nd Floor
Chicago, IL 60603
Telephone: (312) 676-5845
18 Facsimile: (312) 641-6492
jvanek@sperling-law.com
ekelly@sperling-law.com

19
20 *Attorneys for Pure Sweat Basketball, Inc., and the*
21 *Proposed Classes, and Executive Committee Member*
for the Proposed Classes

22
23 Guido Saveri (22349)
R. Alexander Saveri (173102)
Cadio Zirpoli (179108)
SAVERI & SAVERI, INC.
24 706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
25 guido@saveri.com
rick@saveri.com
cadio@saveri.com

26
27 STIPULATION AND [PROPOSED] ORDER CONSOLIDATING
28 RELATED DEVELOPER ACTIONS

1 Kimberly A. Justice (*pro hac vice*)
2 Jonathan M. Jagher (*pro hac vice*)
3 FREED KANNER LONDON & MILLEN, LLC
4 923 Fayette Street
Conshohocken, PA 19428
Telephone: (610) 234-6487
kjustice@fklmlaw.com
jjagher@fklmlaw.com

6 Douglas A. Millen (*pro hac vice*)
7 Brian M. Hogan (*pro hac vice*)
8 FREED KANNER LONDON & MILLEN, LLC
2201 Waukegan Road, #130
Bannockburn, IL 60015
Telephone: (224) 632-4500
dmillen@fklmlaw.com
bhogan@fklmlaw.com

11 *Attorneys for Barry Sermons and the Proposed Classes,*
12 *and Executive Committee Members for the Proposed*
13 *Classes*

14 DATED: November 1, 2019

GIBSON, DUNN & CRUTCHER LLP

15 By s/ Cynthia E. Richman
CYNTHIA E. RICHMAN (*pro hac vice*)

16 1050 Connecticut Avenue, N.W.
17 Washington, DC 20036-5306
18 Telephone: 202.955.8234
Facsimile: 202.530.9691
crichman@gibsondunn.com

19 THEODORE J. BOUTROUS JR. (SBN 132099)
tboutrous@gibsondunn.com
20 RICHARD J. DOREN (SBN 124666)
rdoren@gibsondunn.com
21 DANIEL G. SWANSON (SBN 116556)
dswanson@gibsondunn.com
22 MELISSA PHAN (SBN 266880)
mphan@gibsondunn.com
23 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
24 Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

27 *Attorneys for Defendant Apple Inc.*

28 STIPULATION AND [PROPOSED] ORDER CONSOLIDATING
RELATED DEVELOPER ACTIONS

010818-11/1205676 V1

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

1 **DECLARATION REGARDING CONCURRENCE**

2 I, the undersigned, declare:

3 1. That I am the ECF user whose identification and password are being used to file this
4 STIPULATION AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I
5 hereby attest that all of the signatories listed above have concurred in this filing.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th
7 day of October, 2019, at Seattle, Washington.

8 *s/ Steve W. Berman*

9 STEVE W. BERMAN